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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,977	04/25/2005	Brian Maurice Parker	1376-045200	1143
28389 7590 01/22/2008 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER				
LE, MARK T				
ART UNIT		PAPER NUMBER		
3617				
MAIL DATE		DELIVERY MODE		
01/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,977

Applicant(s)

PARKER ET AL.

Examiner

MARK T. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. The abstract of the disclosure is objected to because legal phraseologies, such as "said"/"means", should not be used. Correction is required. See MPEP § 608.01(b).
2. Claim 36 must be ended with a period.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 18-20, 22-23 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Grop (US 4,023,503).

Grop discloses an apparatus having all the features as recited in the instant claims, including actuator or drive means 31 attached to body 10, non-load bearing drive wheel 40 arranged to engage the stationary surface of rail 2, and drive coupling means 25 between actuator 31 and non-load bearing drive wheel 40, which are located on the same side of track 1.

Regarding the periphery of the drive wheel being made of a high friction material, as recited in instant claim 20, consider lines 45-50, column 2 of Grop; wherein, the use of friction material, such as rubber or the like, is suggested.

Regarding the instant claimed biasing means, as recited in instant claims 22 and 23, consider in the structure of Grop, carriage 14 mounted to move around pivot 17, and spring 43 provided to urge the carriage towards the surface of rail 2.

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5. Claims 18-20, 22-25 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by British reference 2 122 960.

The British reference discloses an apparatus having all the features as recited in the instant claims, including actuator or drive means in the form of a motor attached shaft 4 mounted on body 1, non-load bearing friction drive wheel 7 arranged to engage the stationary surface of track 2, and drive coupling means 13 between the actuator and non-load bearing drive wheel 7, which are located on the same side of track 2.

Regarding the instant claimed drive wheel having a high friction, note that the word "high" is a relative term, and drive wheel 7 of the British reference is readable as having a high friction as claimed.

Regarding the instant claimed biasing means recited in instant claims 22-23, consider carriage 6 and spring 12 of the British reference.

Regarding the instant claimed reduction gearing, recited in instant claim 24, consider gears 5 and 14 of the British reference.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grop (US 4,023,503).

Grop is applied above.

Regarding the instant claimed friction material comprising polyurethane, note that Grop in lines 45-50, column 2, suggests the use of rubber or the like. Since the known polyurethane has the characteristics of rubber or similar to rubber, such as polyurethane rubber, it would have been obvious to one skilled in the art to use a material comprising polyurethane so as to achieve the expected advantages thereof, such as high friction and durability.

8. Claims 26-28 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over British reference 2 122 960 in view of Quinn (US 4,417,524).

The British reference is applied above. It is noted that an electric motor is to be connected to shaft 4 for driving power. On the other hand, manual power is also a well known alternative to electric power. Note for example the manual operating mechanism shown in Figure 3 of Quinn, including hand crank wheel 58 provided for producing driving power. Therefore, it would have been obvious to one skilled in the art to alternatively use a manual mechanism, such as that similar to the manual driving

mechanism of Quinn, in the structure of the British reference so that drive mechanism can be used at places where electrical power is not readily available.

Regarding the instant claimed plurality of drive belts, i.e. first and second belts, and pulleys, as recited in instant claim 26, note that that the concept of using multiple drive belts and pulleys for transmitting driving power is well known. Note for example in Figure 3 of Quinn; wherein, two drive belts along with a plurality of associated pulleys are used. Therefore, it would have been obvious to one skilled in the art to selectively use a plurality of drive belts and pulleys in the structure of the British reference as to provide more flexibility in the arrangement of transmitting driving power to the drive wheel.

9. Claims 18 and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schurch (US 3,698,326) in view of British reference 2 122 960.

Schurch discloses structure 20 that is readable as a cabinet attached to a drive mechanism for traveling along track 2. It is noted that the drive mechanism of Schurch is different from that of the instant claimed invention.

The British reference discloses a drive mechanism similar to that recited in the instant claims, including actuator or drive means in the form of a motor attached shaft 4 mounted on body 1, non-load bearing friction drive wheel 7 arranged to engage the stationary surface of track 2, and drive coupling means 13 between the actuator and non-load bearing drive wheel 7, which are located on the same side of track 2.

In view of the British reference, it would have been obvious to one skilled in the art to alternatively transport cabinets, similar to that of Schurch, by using drive

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mechanisms, similar to that taught by the British reference, so as to achieve expected advantages thereof.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK T. LE whose telephone number is (571)272-6682. The examiner can normally be reached on Mon-Fri, between 8:15-4:45 (Teleworking).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Le/
Primary Examiner
Art Unit 3617

mle
1/18/07